

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Case No.

Oliver D. Smith

Plaintiff,

Against

Emil Kirkegaard

Defendant,

COMPLAINT

Jury Trial: No

Pro se Plaintiff, Defendant, Venue and Jurisdiction

1. The Plaintiff Oliver D. Smith (“**ODS**”) resides in Hertfordshire, England. He was born April 22, 1990. ODS holds undergraduate and postgraduate qualifications in classics; currently unemployed.

Plaintiff’s address: 7 Aldenham Road, Radlett, Hertfordshire, WD7 8AU, England.

Email: oliveratlantis@gmail.com Phone: +44 07769-176821

2. Defendant Emil O. W. Kirkegaard also known as William Engman (“**EK**”) resides in Potsdam, Germany. He was born May 10, 1989. EK lived in New York in 2018; he holds an undergraduate degree in linguistics. EK has described his employment as a data scientist but this is questionable.

Defendant’s address:

Gästehaus am Lehnitzsee, Chauseehaus, Am Lehnitzsee 2 B 14476 Potsdam, Germany.

Email: emilowk@proton.me Phone: +49 33208 210855

3. Although defendant lives in Germany, ODS argues venue is appropriate in the Southern District of New York to bring this claim against EK for the following reasons: (1) EK lived in New York in 2018, and had a registered address linked to a company in the same state; (2) ODS's complaint concerns a commentary EK published on his website(s) that relate to an article published by a non-profit public policy think-tank based in New York (see below), (3) ODS filed a lawsuit against the latter in the United States District Court for the Southern District of New York (see below) and the current complaint relates to the earlier filed lawsuit and (4) ODS suspects EK has retained contacts including business in New York. The plaintiff's understanding is for the US to exercise jurisdiction over a foreign defendant, the non-resident defendant must have "minimum contacts such that the suit does not offend traditional notions of fair play and substantial justice" (*International Shoe v. State of Washington*, 326 U.S. 310 (1945).) ODS therefore makes a case for "minimum contacts".

4. Jurisdiction pursuant to 28 U.S.C. § 1332.

Statement of Claim

5. On July 7, 2023, an article on ODS was published in *City Journal* by the Manhattan Institute of Policy Research ("MIPR"). ODS sued MIPR for defamation and other personal injury on July 17, 2023, in the United States District Court for the Southern District of New York (*Smith v. Manhattan Institute for Policy Research*, 1:23-cv-06143). ODS reached an out of court settlement agreement (confidential) with MIPR on January 25, 2024; he voluntarily dismissed the lawsuit with prejudice.

6. On July 8, 2023, EK republished a small amount of text from the *City Journal* article on two of his websites or blogs as well as added a screenshot of the article title and added his commentary (~1600 words). ODS' claim for defamation, concerns what EK wrote himself in these blog posts.

7. The blog post is still online as of January 29, 2024.

Facts

8. The blog posts open: “City Journal has just published its piece a piece on notorious online stalker Oliver D. Smith”. ODS is not a “notorious online stalker”. This statement is defamatory per se and a false statement of fact with no sourcing; the *City Journal* article never described ODS as a stalker.

9. The blog posts falsely assert: “Oliver D. Smith is the master of abusing this legal situation.” ODS has not abused a legal situation. This falsehood is not substantiated with a shred of evidence.

10. The blog posts falsely assert: “Oliver D. Smith realized that he could maximally harass people using this platform [RationalWiki].” This assertion is incorrect. ODS has never used RationalWiki (“RW”) to harass people. Furthermore, he has not been an admin (sysop) on the wiki since 2019. Despite falsely accusing ODS of harassing people on this platform (RW), EK recently had multiple accounts banned on the same platform for harassing people. In other words, EK is falsely accusing ODS of his own antics, trolling, and irksome behaviour on the internet (psychological projection).

11. The blog posts falsely assert: “Alas, eventually Smith’s mental problems got him in trouble with the admins of even RatWiki, and they banned him. (He got in trouble for making up a theory that two of the admins were in fact the same person, whom he then sought to doxx, Dysklyver).” In reality, ODS was actually vindicated and proven correct – the user in question, Dyskylver, was banned for sockpuppetry and for pretending to be someone else on two separate admin accounts.

12. The blog posts falsely assert (with no evidence) ODS is “able to keep editing there under new accounts” when in reality he quit editing years ago and has not made recent new accounts on RW.

13. The blog posts falsely claim (with no evidence) ODS has created or edited the following pages (articles) on RationalWiki: Richard Hanania, Emily Willoughby, Gegenuni, Monitoring Bias, Erik Ahrens, Tim Noakes, Bronze Age Pervert, Scandza Forum. ODS has never created nor edited any of these articles (some of these individuals like Noakes he had never heard of until falsely accused). ODS suspects EK himself created at least two of these articles, he falsely accuses ODS of writing. Recently, evidence was compiled on RW showing it was in fact EK who made Willoughby's page.

14. The blog posts falsely claim (with no evidence) ODS has made edits on RationalWiki in June and July 2023. This unsubstantiated claim is untrue (ODS was not editing the wiki those months). The blog posts wrongly accuse ODS of "always l[ying]" despite the demonstrable lies are by EK.

15. The blog posts falsely claim, "Oliver D. Smith has 1000s of online users on sites like RatWiki, Reddit, Twitter and increasingly Substack." This claim is not only false but preposterous and was written to smear and misrepresent the plaintiff's online activities. ODS has only two accounts on Twitter now named X (@oliveratlantis, @mammatusjournal), one on Reddit i.e., Cryptid1990 and has never been an active user on Substack. ODS never had thousands of accounts on RationalWiki.

16. The blog posts falsely and maliciously claim (with no evidence) that ODS spams websites.

17. The blog posts contain insults, slurs, and disparaging remarks about ODS including "loser", "mentally ill", "socially destructive", "notorious", "stalker" and suggests he lives in a "nut house".

18. The blog posts falsely claim (with no evidence) ODS, or his brother, have edited Peter Thiel's article on RationalWiki (in reality, the history of this article reveals that ODS has never edited it). ODS does not have a brother who actively edits RW. In other words, this is more misinformation.

19. The blog posts falsely assert ODS has defamed people. This is incorrect. EK had filed a libel lawsuit against ODS in the High Court of Justice (QBD) in 2018 but lost the case. ODS defended four online posts he was sued for writing as honest opinion under the Defamation Act 2013. None of ODS's comments were ruled to have caused EK "serious harm" and he upheld them as honest opinion. In other words, his defence was successful. ODS has never defamed EK, on the contrary, it is EK who has defamed ODS hence ODS has filed this legal complaint based on his blog posts.

20. EK has tried to maximise harm to ODS's reputation by duplicating his blog posts.

21. EK has copied links to his blog post(s) on social media and continues to harass the plaintiff by repeating the falsehoods and libel in these posts and getting his friends to repost them on websites.

Remedy or Relief Sought

22. \$500,000 compensatory damages for emotional distress caused as well as punitive damages.

23. Deletion of the blog articles from EK's websites and removal of hyperlinks on social media

Plaintiff's Certification and Warnings

24. By signing below, plaintiff certifies to the best of his knowledge, information, and belief that:

- the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation);
- the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

25. ODS agrees to notify the Clerk's Office of any changes to his mailing address. He understands that failure to keep a current address on file with the Clerk's Office, could result in case dismissal.

26. Plaintiff is pro se (non-prisoner) and consents to receiving documents electronically.

27. Plaintiff has signed and dated this document below.

Dated: 29/01/2024 (29 January 2024)

Signed:

A handwritten signature in blue ink, appearing to be "ODS" with a stylized flourish extending to the right.

/s/Oliver D. Smith.